

Appl. No. : **09/987,232**
Filed : **November 6, 2001**

REMARKS

The foregoing amendments and the following remarks are responsive to the September 29, 2003 Office Action. Claims 11-12, 27-31, and 42 remain as originally filed, Claims 1-9, 13-15, 17-25, 32-40, and 43-44 are cancelled, and Claims 10, 16, 26, and 41 are amended. Thus, Claims 10-12, 16, 26-31, and 41-42 are presented for further consideration. Please enter the amendments and reconsider the claims in view of the following remarks.

Comments on Allowable Subject Matter of Claims 10-12, 16, 26-31, and 41-42

In the September 29, 2003 Office Action, the Examiner objects to Claims 10-12, 16, 26-31, and 41-42 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As described herein, Applicant has amended Claims 10, 16, 26, and 41 to be in independent form including all of the limitations of the base claim and any intervening claims. Claims 11 and 12 each depend from Claim 10, Claims 27 and 28 each depend from Claim 26, Claim 29 depends from Claim 28, Claims 30 and 31 each depend from Claim 29, and Claim 42 depends from Claim 41. Claims 11, 12, 27-31, and 42 remain as originally filed. Applicant submits that Claims 10-12, 16, 26-31, and 41-42 are in condition for allowance and Applicant respectfully requests such action.

Response to Objection to the Specification

In the September 29, 2003 Office Action, the Examiner objects to various informalities in the specification. As described herein, Applicant has amended the specification to (1) change the word "hetrostructure" to --heterostructure-- on pages 1-12 and in the title and the abstract; (2) change "meant" to --mean-- at page 2, line 20; and (3) change "2062" to --206-- at page 7, line 10. Applicant directs the Examiner to the Preliminary Amendment that Applicant mailed on December 5, 2002 and received by the U.S.P.T.O. on December 10, 2002, in which the correct application number was inserted at page 1, line 4. In addition, Applicant has amended the specification to correct two typographical errors by changing "loses" to --losses-- at page 9, line 13, and by removing an extraneous period at page 10, line 21.

Applicant submits that these amendments to the specification do not add new matter to the application. Applicant respectfully requests that the Examiner withdraw the objections to the specification and pass the application to allowance.

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Response to Objection to the Drawings

In the September 29, 2003 Office Action, the Examiner objects to the drawings as failing to comply with 37 C.F.R. § 1.84(p)(5) because they include the reference sign “204” in Figure 2B which is not mentioned in the description. Applicant is submitting herewith a set of formal drawings including a Replacement Sheet in which Figure 2B is corrected by removing the reference sign “204” and the arrow labelled by the reference sign “204.” Applicant submits that this amendment does not add new matter to the application. Applicant respectfully requests that the Examiner withdraw the objections to the drawings and pass the application to allowance.

Response to Objection to Claims 1, 3, 6, 10, 13-14, 16-17, and 33-35

In the September 29, 2003 Office Action, the Examiner objects to Claims 1, 3, 6, 10, 13-14, 16-17, and 33-35 for using the term “hetrostructure.” As described herein, Applicant has cancelled Claims 1, 3, 6, 13-14, 17, and 33-35 without prejudice. Applicant has also amended Claims 10 and 16 by replacing the term “hetrostructure” with the term --heterostructure--. Applicant submits that these amendments do not alter the scope of the amended claims. Applicant respectfully requests that the Examiner withdraw the objections to Claims 10 and 16 and pass these claims to allowance.

Response to Rejection of Claims 1-5, 13-15, 34-40, and 43-44 Under 35 U.S.C. § 102(b)

In the September 29, 2003 Office Action, the Examiner rejects Claims 1-5, 13-15, and 34-44 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,900,071 to Harman as further evidenced by U.S. Patent No. 4,731,338 to Ralston et al. and U.S. Patent No. 5,429,680 to Fuschetti. Because the Examiner provided detailed bases for the rejections of Claims 1-5, 13-15, 34-40, and 43-44 without addressing Claims 41 and 42, and because the Examiner states that Claims 41-42 contained allowable subject matter, Applicant assumes that this rejection only addresses Claims 1-5, 13-15, 34-40, and 43-44. Applicant respectfully requests clarification if this assumption is in error.

As described herein, Applicant has cancelled Claims 1-5, 13-15, 34-40, and 43-44 without prejudice, and Applicant reserves the right to pursue allowance of these claims in a continuation application.

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Response to Rejection of Claims 6-9 Under 35 U.S.C. § 103(a)

In the September 29, 2003 Office Action, the Examiner rejects Claims 6-9 under 35 U.S.C. § 103(a) as being unpatentable over Harman as applied to Claim 1, and further in view of Applicant's Background section.

As described herein, Applicant has cancelled Claims 6-9 without prejudice, and Applicant reserves the right to pursue allowance of these claims in a continuation application.

Response to Rejection of Claims 18-21 Under 35 U.S.C. § 102(e)

In the September 29, 2003 Office Action, the Examiner rejects Claims 18-21 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,319,744 to Hoon et al.

As described herein, Applicant has cancelled Claims 18-21 without prejudice, and Applicant reserves the right to pursue allowance of these claims in a continuation application.

Response to Rejection of Claims 22-25 Under 35 U.S.C. § 103(a)

In the September 29, 2003 Office Action, the Examiner rejects Claims 22-25 as being unpatentable over Hoon et al. as applied to Claim 18, and further in view of Applicant's Background section.

As described herein, Applicant has cancelled Claims 22-25 without prejudice, and Applicant reserves the right to pursue allowance of these claims in a continuation application.

Response to Rejection of Claims 32-33 Under 35 U.S.C. § 103(a)

In the September 29, 2003 Office Action, the Examiner rejects Claims 32-33 as being unpatentable over Hoon et al. as applied to Claim 18, and further in view of Harman.

As described herein, Applicant has cancelled Claims 32-33 without prejudice, and Applicant reserves the right to pursue allowance of these claims in a continuation application.

Summary

For the foregoing reasons, Applicant submits that Claims 10-12, 16, 26-31, and 41-42 are in condition for allowance, and Applicant respectfully requests such action.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

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Respectfully submitted,

Dated: Jan 28, 2004

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